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Hearing Date:
April 3, 2001
10:00 a.m.

**UNITED STATES BANKRUPTCY COURT
SOUTHERN DISTRICT OF NEW YORK**

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:
In re: : **Chapter 11**
: **Case Nos. 00 B 41065 (SMB)**
: **through 00 B 41196 (SMB)**
:
: **(Jointly Administered)**
:
RANDALL'S ISLAND FAMILY GOLF :
CENTERS, INC., et al., :
:
Debtors. :
:
-----X

**NOTICE OF HEARING WITH RESPECT TO MOTION
FOR AN ORDER PURSUANT TO 28 U.S.C. § 1452 AND
RULES 9006 AND 9027 OF THE FEDERAL RULES OF
BANKRUPTCY PROCEDURE EXTENDING PERIOD
WITHIN WHICH DEBTORS MAY REMOVE ACTIONS**

PLEASE TAKE NOTICE that, on March 22, 2001 the above-captioned debtors and debtors-in-possession (the "Debtors") filed with the United States Bankruptcy Court for the Southern District of New York their motion (the "Motion") for an order pursuant to 28 U.S.C. § 1452 and Rules 9006 and 9027 of the Federal Rules of Bankruptcy Procedures extending the period within which the Debtors may remove actions.

PLEASE TAKE FURTHER NOTICE that a hearing to consider the Motion and any objections thereto will be held on April 3, 2001 at 10:00 a.m., Eastern Time, before the Honorable Stuart M. Bernstein, United States Bankruptcy Judge, United States Bankruptcy Court, Alexander Hamilton Custom House, One Bowling Green, New York, New York 10004.

PLEASE TAKE FURTHER NOTICE that opposing papers, if any, must be filed with the Court and served upon the undersigned by March 30, 2001.

Dated: New York, New York
March 22, 2001

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By /s/ Jonathan L. Flaxer
Jonathan L. Flaxer (JF 7096)
A Member of the Firm

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**MOTION FOR AN ORDER PURSUANT TO 28 U.S.C. § 1452
AND RULES 9006 AND 9027 OF THE FEDERAL RULES OF
BANKRUPTCY PROCEDURE EXTENDING PERIOD
WITHIN WHICH DEBTORS MAY REMOVE ACTIONS**

**TO THE HONORABLE STUART M. BERNSTEIN
UNITED STATES BANKRUPTCY JUDGE:**

The above-captioned debtors and debtors-in-possession (the "Debtors"), for their motion (the "Motion") for an order pursuant to 28 U.S.C. § 1452 and Rules 9006 and 9027 of the Federal Rules of Bankruptcy Procedure (the "Bankruptcy Rules") extending the period (the "Removal Period") within which the Debtors may remove actions, respectively state as follows:

Background

1. On May 4, 2000 (the "Filing Date"), each of the Debtors filed with this Court separate voluntary petitions for relief under chapter 11 of the Bankruptcy Code. By order of this Court dated as of the Filing Date, the Debtors' chapter 11 cases are being jointly administered. Pursuant to sections 1107 and 1108 of the Bankruptcy Code, the Debtors are continuing to operate their businesses and manage their properties as debtors-in-possession.

2. The Debtors operated golf, ice skating and family entertainment centers throughout North America. As of the Filing Date, the Debtors owned and/or operated 100 golf facilities and 17 ice skating facilities and family entertainment centers.

3. The Court has jurisdiction over this Motion pursuant to 28 U.S.C. § 1334. This is a core proceeding pursuant to 28 U.S.C. § 157(b)(2)(A), in that it is a matter concerning the administration of the Debtors' estates. The statutory predicates for the relief sought herein are 28 U.S.C. § 1452 and Bankruptcy Rules 9006 and 9027.

Relief Requested

4. As of the Filing Date, the Debtors were party to certain civil actions pending in various forums (collectively, the "Prepetition Actions"). The Debtors' Removal Period is currently scheduled to expire on March 31, 2001. By this Motion, the Debtors request the entry of an order, pursuant to Bankruptcy Rule 9006(b), further extending the Removal Period by approximately 60 days, through and including May 31, 2001.

5. In certain of the Prepetition Actions, the Debtors have filed counterclaims and crossclaims. In determining whether to request removal of any particular Prepetition Action, various issues must be evaluated. Since the Filing Date, however, the Debtors have been required to devote a substantial amount of time to numerous other matters of immediate import, including auctioning the Debtors' assets and closing the resulting sale transactions. Additional time is needed to analyze each of the Prepetition Actions and make appropriate determinations concerning their removal. Without the requested extension, the Debtors would be forced to make removal decisions that could be detrimental to the Debtors, their estates and their creditors. Accordingly, an extension of the time period within which the Debtors may determine which Prepetition Actions, if any, should be removed is warranted.

Applicable Authority

6. Section 1452 of the Judicial Code, 28 U.S.C. § 1452, provides for the removal of actions. Section 1452 provides in pertinent part:

- (a) A party may remove any claim or cause of action in a civil action other than a proceeding before the United States Tax Court or a civil action by a governmental unit to enforce such governmental unit's police or regulatory power, to the district court for the district where such civil action is pending, if such district court has jurisdiction of such claim or cause of action under Section 1334 of this title.

28 U.S.C. § 1452.

7. Bankruptcy Rule 9027(a)(2) provides in pertinent part:

If the claim or cause of action in a civil action is pending when a case under the Code is commenced, a notice of removal may be filed only within the longest of (A) 90 days after the order for relief in the case under the Code, (B) 30 days after entry of an order terminating a stay, if the claim or cause of action in a civil action has been stayed under § 362 of the Code, or (C) 30 days after a trustee qualifies in a chapter 11 reorganization case but not later than 180 days after the order for relief.

Fed. R. Bankr. 9027(a)(2).

8. Bankruptcy Rule 9006(b)(1) provides that the Court may extend unexpired time periods, such as the Debtors' Removal Period, without notice:

[W]hen an act is required or allowed to be done at or within a specified period by these rules or by a notice given thereunder or by order of court, the court for cause shown may at any time in its discretion . . . with or without motion or notice order the period enlarged if the request therefor is made before the expiration of the period originally prescribed or as extended by a previous order

Fed. R. Bankr. 9006(b)(1).

9. Accordingly, this Court is authorized to grant the relief requested herein. See, e.g., Pacor, Inc. v. Higgins, 743 F.2d 984, 996 n.17 (3d Cir. 1984) (under Bankruptcy

Rule 9006(b), "it is clear that the court may grant such an extension [of time to remove]"); Jandous Elec. Constr. Corp. v. City of New York (In re Jandous Elec. Constr. Corp.), 106 B.R. 48, 50 (Bankr. S.D.N.Y. 1989) (period in which to file motion to remove may be expanded pursuant to Bankruptcy Rule 9006); Saint Joseph's Hosp. v. Department of Police Welfare of the Commonwealth of Penn. (In re Saint Joseph's Hosp.), 103 B.R. 643, 648 (Bankr. E.D. Pa. 1989) (court extended 90-day time period in which to seek removal of pending state court litigation). Courts in other major chapter 11 cases in the Second Circuit and other jurisdictions have granted the same or similar relief to that sought herein. See, e.g., In re The Singer Company N.V., et al., Case No. 99-10578 (BRL) (Bankr. S.D.N.Y. June 22, 2000) (granting third extension for total of approximately 300 days); In re Loewen Group International, Inc., et al., No. 99-1244 (PJW) (Bankr. D. Del. Sept 20, 1999) (270-day extension).

Best Interests of the Estates

10. The Debtors submit that the relief requested is in the best interests of the Debtors, their estates and their creditors. The extension sought will afford the Debtors the additional time needed to make informed decisions concerning removal of each Prepetition Action, ensuring that the Debtors do not forfeit valuable rights under Section 1452. In addition, if and when a Prepetition Action is removed, any party to that action may thereafter seek to have it remanded pursuant to Section 1452. Therefore, the requested extension of the time period during which the Prepetition Actions may be removed will not prejudice the rights of any other parties.

Notice

11. The Debtors have provided notice of this Motion to (i) the Office of the United States Trustee, (ii) Berlack, Israels & Liberman, LLP, counsel to the Official Committee of Unsecured Creditors, (iii) Morgan, Lewis & Bockius, LLP, counsel for The Chase Manhattan Bank,

as administrative agent for certain lenders under the Debtors' prepetition credit facility, (iv) counsel to the non-debtor parties to the Prepetition Actions, and (v) all other parties who have filed a notice of appearance in these chapter 11 cases. The Debtors believe that such notice is appropriate under the circumstances of this Motion and that any additional notice would not warrant the expense. Accordingly, the Debtors respectfully request that any and all other and further notice be dispensed with and waived.

Waiver of Memorandum of Law

12. Given the nature of the relief requested in this Motion, the Debtor respectfully requests that this Court dispense with and waive the requirement for submission of a memorandum of law contained in Local Rule 9013-1(b).

Prior Request

13. On July 20, 2000, the Debtors filed a motion to extend the Removal Period with respect to the Prepetition Actions. On August 8, 2000, this Court entered an order extending the Removal Period until November 30, 2000, without prejudice to the Debtors' rights to seek further extensions of time within which to remove actions. On November 15, 2000, the Debtors filed a further motion to extend the Removal Period. On November 28, 2000, this Court entered an order extending the Removal Period until March 31, 2001, without prejudice to the Debtors' rights to seek further extensions of time within which to remove actions.

WHEREFORE, the Debtors respectfully request entry of an order, substantially in the form attached to this Motion, further extending the Removal Period by approximately 60 days, through and including May 31, 2001, and granting such other and further relief as is just and proper.

Dated: New York, New York
March 22, 2001

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